



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

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REGIONAL OFFICE DIVISION  
NASSAU REGIONAL OFFICE

December 2, 2023

The Honorable Lee G. Dunst  
United States Magistrate Judge  
Eastern District of New York  
100 Federal Plaza  
Central Islip, New York 11722

**Re: *Massapequa Union Free Sch. Dist., et al. v. NYS Bd. of Regents, et al.*, No. 2:23-cv-7052**

Dear Judge Dunst:

I write on behalf of Defendants-Respondents (“Defendants”) in the above-referenced matter in accordance with the Court’s docket Order dated December 1, 2023, to clarify certain relief sought by Defendants in the following four actions: *Massapequa Union Free Sch. Dist., et al. v. NYS Bd. of Regents, et al.*, No. 2:23-cv-7052 (the “Massapequa Matter”); *Wantagh Union Free Sch. Dist., et al. v. NYS Bd. of Regents, et al.*, No. 2:23-cv-07299 (the “Wantagh/Wyandanch Matter”); *Connetquot Central Sch. Dist., et al. v. NYS Bd. of Regents, et al.*, No. 2:23-cv-07696 (the “Connetquot Matter”); and *Amityville Union Free Sch. Dist., et al. v. NYS Bd. of Regents, et al.*, No. 2:23-cv-8011 (the “Amityville Matter”).

Defendants seek a determination that the Massapequa Matter, the Wantagh/Wyandanch Matter, the Connetquot Matter, and the Amityville Matter are related cases and should therefore be assigned to the same judge. Defendants make no request for the assignment of any particular judge. Defendants believe it is entirely up to the Court’s discretion as to which judge to assign to the matters.

The letter-motion dated November 1, 2023, was filed in the Massapequa Matter (23-cv-7052, DE No. 12) pursuant to EDNY Division of Business Rule 3(b), which states: “Any party may apply for [a determination that cases are related] by filing a motion in the lowest-numbered case among the applicable cases, and a notice of the filing of such motion in all affected cases.” The Massapequa case is the lowest-numbered of the four cases. The notices and copies of the letter-motion were filed in the Wantagh/Wyandanch Matter (23-cv-7299, DE No. 11), the Connetquot Matter (23-cv-7696, DE No. 8), and the Amityville Matter (23-cv-8011, DE No. 7) also pursuant to EDNY Division of Business Rule 3(b), which required Defendants to file a “notice of the filing of [the letter-motion in the Massapequa Matter] in all affected cases.”

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The letters related to Defendants' intended motion to dismiss that were filed in the Wantagh/Wyandanch Matter (23-cv-7299, DE No. 13), the Connetquot Matter (23-cv-07696, DE No. 11), and the Amityville Matter (23-cv-8011, DE No. 9) were filed pursuant to the instruction in Administrative Order 2023-23, section 4, which states that in cases assigned under Administrative Order 2023-23 to a Magistrate Judge:

If a party intends to file a motion . . . under Rule 12(b), . . . and all parties have not yet consented to the jurisdiction of the Magistrate Judge, the party seeking such relief must file, no later than any date specified by any Federal or Local Rule governing the timing of such a motion, a letter no longer than one (1) page expressing such intent. The Clerk will then randomly assign a District Judge to serve as the presiding judge in the case.

AO 2023-23, § 4. Accordingly, any references to the assignment of a District Judge merely reflected the language of Administrative Order No. 2023-23.

In sum, Defendants seek a determination that the four above-mentioned cases are related, and assignment of all four cases to the same judge, but Defendants make no request as to the assignment of any particular judge.

Respectfully submitted,

s/ *Helena Lynch*

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